



Washington, D.C. 20505

18 January 1991

MEMORANDUM FOR: Robert A. Reinstein  
Deputy Assistant Secretary for Environment,  
Health, & National Resources  
Department of State

~~Enforcement of the Ivory Trade Ban  
A One Year Assessment~~

1. The attached report assesses worldwide enforcement of the ivory trade ban, which went into effect on 19 January 1990. Parties to the ban are divided into three categories: importers, exporters, and entrepot nations. Their enforcement record is mixed so far, and major challenges lie ahead, especially if the Convention on International Trade in Endangered Species returns to some form of regulated ivory trade.

2. This memorandum was prepared by [redacted] Geographic Resources Division, Office of Resources, Trade, and Technology.

3. Your comments and questions on this memorandum are welcome [redacted]

Chief, [redacted] Division  
Office of Resources, Trade, and Technology

Attachment:  
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DIRECTORATE OF INTELLIGENCE

18 January 1990

Enforcement of the Ivory Trade Ban: A One Year Assessment

Summary

Enforcement of the worldwide ban on the ivory trade, established in January 1990 by the UN's Convention on International Trade in Endangered Species (CITES), has been mixed:

- o Traditional importers have a good enforcement record. The major markets--Japan and Western Europe--have been largely closed because of strict customs controls and strong public sentiment to protect the elephant.

- o Most African countries that traditionally exported ivory are struggling to comply with CITES through improved enforcement of anti-poaching regulations. These countries are soliciting foreign funds for wildlife protection, authorizing anti-

This memorandum was prepared by [redacted] Office of Resources, Trade and Technology, [redacted] Division. [redacted] Comments and queries are welcome [redacted]

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poaching squads to shoot poachers on sight, toughening their line against corruption, and increasing regional cooperation. Nevertheless, they face difficult challenges: insufficient long-term funding, poor investigative skills, and problems with multilateral cooperation, especially in the porous five-country Southern African Customs Union. We judge that their success so far--smuggling is limited to small-scale activity, according to [REDACTED] groups--is more the result of low black market ivory prices that reduce the incentive to poach than of anti-poaching efforts.

- o Enforcement is weak on the part of those countries that traditionally imported raw African ivory, carved it, and exported it to consuming countries. The most active entrepot countries [REDACTED] have been linked to black market trading, although not as much as before the ban.<sup>1</sup> These countries, for the most part, have not committed the customs manpower needed to stop ivory from moving in and out of their ports. [REDACTED]

CITES enforcement could face greater challenges in the next few years. [REDACTED]

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<sup>1</sup> The ivory black market dates back to the establishment of CITES in 1973, as traders often found it easier to smuggle ivory than to concern themselves with CITES paperwork and quota regulations. [REDACTED]

How The Ban Works

In 1989, after a decade which saw African elephant populations plummet from about 1.2 million to 600,000, the international community moved toward an ivory trading ban. The United States and several West European countries adopted an ivory-import ban in June. A few months later, the UN's long-standing Convention on International Trade in Endangered Species (CITES) declared the African elephant an endangered species and banned all international trade in ivory and other elephant products, effective 19 January 1990. Most traditional ivory-trading nations are parties to CITES, which has 109 members altogether. Important exceptions are South Korea and North Korea, which have not ratified CITES, and Taiwan, which is ineligible to join. Most Middle Eastern countries are not parties to the agreement, but their purchases have traditionally been small.

Most parties to CITES are required to enforce an outright ban on ivory trade, although a few are allowed to continue regulated trade. Botswana, China, Malawi, South Africa, Zambia, Zimbabwe, and the United Kingdom (on behalf of Hong Kong) took a reservation to the ban, an action that permits them to continue trade with non-CITES members as long as they maintain statistical records.<sup>2</sup> If they choose to legally export ivory to other CITES members, countries taking a reservation must request approval from a six-member Panel of Experts set up by CITES in 1989. The panel would take into account the status of the country's elephant population, the country's ability to manage and conserve that population, and its ability to control ivory trade.

Compliance: One Year Later

Compliance among parties to the ivory trade ban is mixed. Enforcement on the part of traditional importing countries, particularly Japan and most of Western Europe, has been generally effective. African exporting countries are still struggling to comply in the face of resource shortages and major challenges from poachers. Various press indicate that entrepot countries are the least committed to enforcement.

<sup>2</sup> The UK requested a six-month reservation period for Hong Kong, time for Hong Kong to sell its stockpiled ivory. The other reservations are open-ended.

A key factor affecting compliance with the ban is the black market price of ivory. [REDACTED] the press indicate that the price of illegal ivory has decreased by as much as 50 percent since the ban went into effect. Plummeting prices--the result of would-be buyers becoming aware of the elephant's plight--are pivotal in the ability of African countries to comply with the accord. With poached ivory selling for only \$1 to \$5 per kilogram in Africa, [REDACTED] officials say there is less economic motivation to poach.

#### Importers

In Japan, which bought nearly 40 percent of the world's legal ivory before the ban, enforcement centers around a vigorous customs effort to intercept shipments. Customs officials seized six large illegal ivory shipments last year, including two shipments from Hong Kong worth more than \$2 million each, according to press. Moreover, the government has actively encouraged compliance by making low-interest loans available to ivory carvers put out of work by the ban. [REDACTED]

In Europe, where another 10 to 15 percent of legal ivory trading took place in the 1980s, customs inspections and ivory inventory requirements are used to enforce the ban, although more vigorously in some countries than others. Belgium, once the leading ivory entrepot for Europe, now enforces a mandatory inventory of ivory stocks to reinforce the trade ban. [REDACTED]

#### Exporters

African countries--including supporters of the CITES ban as well as those that took reservations to it--are, for the most part, in compliance with the accord. In the view of [REDACTED] officials, African exports are limited to small-scale smuggling, and even countries that took reservations are not exporting ivory because of a lack of buyers. Nearly all exporting countries appear to be making a good faith effort to put an end to poaching, which has declined markedly since the ban went into effect. Cameroon, Ethiopia, Gabon, and the Central African Republic have

registered declines; Benin and Zimbabwe have only small-scale poaching; and Senegal and South Africa have almost none, [REDACTED] Kenya, which saw its elephant population drop 70 percent during the 1980s, lost 57 elephants to poachers during the first two months of the CITES ban, but losses have since decreased to two or three per month. Mozambique and Sudan have been less effective, mainly because of civil war. [REDACTED]

Traditional ivory exporters use several strategies to stem poaching and promote compliance with CITES. These include: solicitation of foreign funds for improved park ranger training and equipment; shoot-to-kill authority for anti-poaching squads; a tougher line against corruption; and regional cooperation. [REDACTED]

Solicitation Of Foreign Funds. Nearly every country receives funding and other assistance from foreign governments or non-government organizations (NGOs), and such assistance has generally increased since January 1990. Funding has been greatest for Zaire and Kenya, where the Department of Wildlife raised over \$5 million for 17 elephant-related projects in fiscal year 1990-91, [REDACTED]

[REDACTED] As a result, Kenyan park rangers now have 35 Land Rovers as well as two helicopter gunships, a number of surveillance aircraft, automatic rifles, radio equipment, and uniforms; before the fund-raising drive they had none of these items. [REDACTED]

Shoot-To-Kill Orders For Anti-Poaching Teams. Several countries--Kenya, Namibia, Senegal, Zambia, Zimbabwe, and South Africa--have authorized park rangers and anti-poaching squads to shoot poachers on sight. South Africa attributes its success in protecting elephants to this policy, according to a UN publication. Kenyan rangers have shot and killed nearly 100 poachers since 1989, more than in any other country. [REDACTED]

A Tougher Line Against Corruption. During the past year Kenya fired hundreds of its Wildlife Service employees for involvement in ivory poaching, and South Africa dismissed nearly 75 percent of its customs officials on charges of corruption, [REDACTED]

[REDACTED] Zambia extended new elephant-protection powers to the Anti-Corruption Commission (ACC) and in April 1990 created the Species Protection Unit to investigate commercial poaching. The unit uses leads from poachers and villagers to pursue the middlemen who organize ivory smuggling, something Zambian police have rarely done in the past, [REDACTED] These steps have markedly improved law enforcement effectiveness: [REDACTED]

[REDACTED] the number of poachers arrested has increased considerably, and poaching has decreased. [REDACTED]

Increased Regional Cooperation: We have seen several signs of improvement during the past year:

- o Zambian anti-poaching personnel are now in constant contact with their counterparts in Zimbabwe after years of largely ignoring cross-border poaching by Zambians. Lusaka is also following illegal ivory leads with South Africa--the destination for most of Zambia's smuggled ivory--for the first time;

- o Since late 1989, Mozambique has sent 33 park rangers to South Africa for anti-poaching training, the first Sub-Saharan African country to do so.
- o A US Fish and Wildlife Service-sponsored Elephant Protection Workshop attracted representatives from 26 countries last August. The delegates agreed to a number of proposals, including the use of multi-national task forces along borders and the establishment of a regional data collection center.

Despite these efforts, exporting countries face major challenges, and, without the decline in worldwide ivory prices, we believe they would not be having as much success against poachers and smugglers. In many countries, park rangers still travel by foot, armed only with bolt-action World War I rifles. Poor investigative skills inhibit anti-corruption efforts. Investigators often settle for arresting only the poachers without following the trail to the organizers who fund and arm the poachers, the middlemen, and the smugglers, [REDACTED]

[REDACTED] Regional cooperation is still developing, with little sharing of intelligence on smuggling routes or identification of known poachers. Most cooperation continues to be done on a bilateral or ad hoc basis. [REDACTED]

Portrait Of The Poachers

There are two basic types of poachers: highly-trained groups--often guerrillas or ex-military--and indigent villagers. Widespread civil strife in Africa has left a legacy of heavily-armed, highly-organized poachers. Many operate like crack military units, armed with AK-47 and other assault weapons and organized into groups of three to 10 men, according to [REDACTED]

[REDACTED] When such groups run into anti-poaching units, they respond as trained soldiers would, withdrawing and firing, then scattering and meeting later at a prearranged site. [REDACTED]

[REDACTED] in October 1989 a plane overloaded with ivory crashed after takeoff from UNITA's headquarters at Jamba, according to press. Mozambique and Sudan have also experienced poaching by guerrillas, although not to the same extent. [REDACTED]

[REDACTED] They hunt alone, usually at night, and frequently elude anti-poaching squads. According to some [REDACTED] officials, the number of elephants they kill has increased as a proportion of poached elephants overall since the ban went into effect. The apparent reason for this is that individual poachers still hunt despite lower ivory prices, while organized poachers are increasingly moving into other, more profitable, illegal activities. [REDACTED]



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Entrepot Countries

[REDACTED]

Entrepot countries devote limited resources to CITES enforcement [REDACTED]

[REDACTED] in our view, reluctance to crack down on smugglers stems from unwillingness to challenge long-established ivory carving and re-export interests. [REDACTED]

Worldwide compliance with the ban has greatly diminished the entrepot countries' role in the trade. [REDACTED]

[REDACTED]

Outlook

Enforcement of CITES ivory rules will face new challenges in the next few years. The biggest may come at the next CITES General Conference in March 1992, when several countries, including South Africa and Zimbabwe, are expected to request approval to export ivory to member countries under controlled circumstances. Any such approval would put tremendous pressure on those African countries

still trying to enforce the ban. Countries allowed to trade ivory legally would almost certainly become transit points for illegal ivory because it is nearly impossible for customs officials to tell the difference. Poachers in all countries would once again see an opportunity for profit;

[REDACTED]

[REDACTED]

Funding commitments will continue to fall short of the amounts needed to hold the line against poaching. The cost of protecting valuable species in a national park-- approximately \$200 per square kilometer each year, according to

[REDACTED]

On the positive side, CITES enforcement could get a boost from increasing bilateral and multilateral cooperation. Information-sharing, tighter border controls, hot-pursuit agreements, and careful ivory documentation will be on the agenda for the second Elephant Protection Workshop, scheduled for mid-1991 in Togo.

3 South African scientists may have developed a method to trace the origin of ivory through its chemical makeup. They contend that by examining the levels of strontium, carbon, and nitrogen, it is possible to pinpoint the general region where the elephant roamed. To be practical, the method would require a comprehensive data base on ivory's chemical makeup throughout Africa.

Implications For other Environmental Agreements

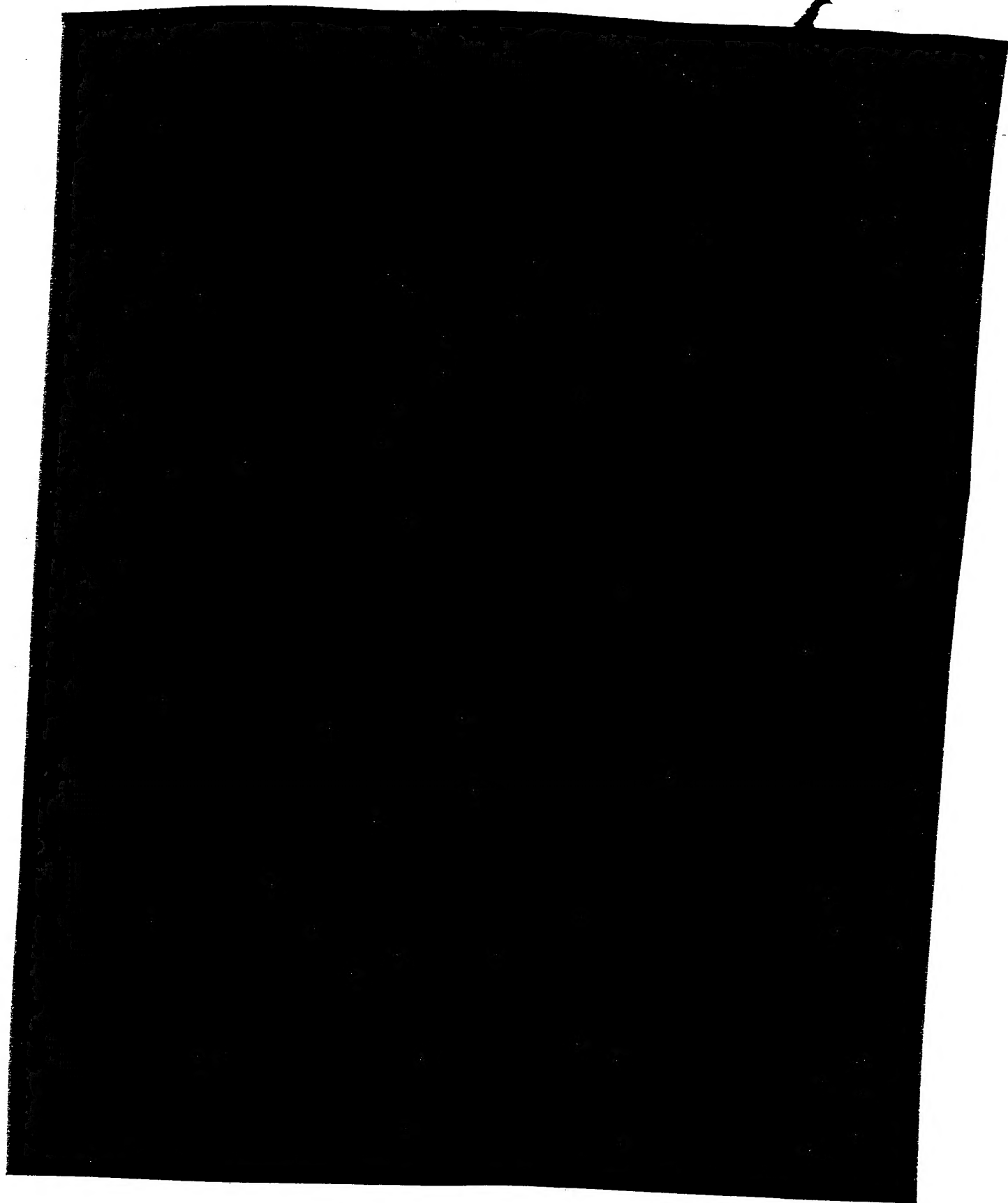
The CITES ivory ban has lessons for other agreements involving trade in endangered species or hazardous or banned substances. By far the most important factor for success has been the staunch enforcement on the part of traditional importing countries. The resulting slide in ivory prices has weakened incentives to export and has helped compensate for lax enforcement in exporting and entrepot countries. Effective enforcement in importing countries depends upon three major criteria that may also be used to assess prospects for compliance with other trade-related environmental accords:

- o Allocation of sufficient customs personnel and other resources to the problem;
- o Broad public support for the ban;
- o Physical properties of the banned substance that make it difficult to hide for smuggling. [REDACTED]

# Estimated African Elephant Population 1981 and 1989

COUNTRY BY REGION	ESTIMATES	
	1981	1989
<b>WEST AFRICA</b>		
Benin	1,250	2,100
Burkina Faso	3,500	4,500
Ghana	970	2,800
Guinea	800	560
Guinea-Bissau	0	40
Ivory Coast	4,800	3,600
Liberia	2,000	1,300
Mali	780	840
Mauritania	40	100
Niger	800	440
Nigeria	1,820	1,300
Senegal	200	140
Sierra Leone	500	380
Togo	150	380
Sub Total	17,610	19,000
<b>CENTRAL AFRICA</b>		
Cameroon	5,000	22,000
Central African Rep.	31,000	23,000
Chad	N/A	2,100
Congo	10,800	42,000
Equatorial Guinea	N/A	500
Gabon	13,400	74,000
Zaire	376,000	112,000
Sub Total	436,200	277,000
<b>EASTERN AFRICA</b>		
Ethiopia	N/A	8,000
Kenya	65,056	16,000
Rwanda	150	50
Somalia	24,323	2,000
Sudan	133,727	22,000
Tanzania	203,900	61,000
Uganda	2,320	1,600
Sub Total	429,521	110,000
<b>SOUTHERN AFRICA</b>		
Angola	12,400	18,000
Botswana	20,000	68,000
Malawi	4,500	2,800
Mozambique	54,800	17,000
Namibia	2,300	5,700
South Africa	8,000	7,800
Zambia	160,000	32,000
Zimbabwe	49,000	52,000
Sub Total	311,000	204,000
Total	1,194,331	610,000

• 1981 data from African Elephant and Rhino Specialist Group; 1989 data from Douglas-Hamilton et al., in report to CITES Conference, October 1989.



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